



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.130 of 2015 and
M.P.(MD).No. 1 of 2015

Lakshmikantham : Petitioner

Vs.

1. Marimuthu
2. Chandrasekaran

Rep.by his power agent Maheswari : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer CMA.No.26 of 2012 pending on the file of the Additional District Court, Pattukkottai to some other competent Additional District Court at Thanjavur District, having similar jurisdiction for further hearing and arguments.

For Petitioner : Mr.M.R.S. Prabhu
For 1st Respondent : Mr. R. Sureshkumar
For 2nd Respondent : No appearance

O R D E R

This petitioner has come up with the present petition to transfer CMA.No.26 of 2012, pending on the file of the Additional District Court, Pattukkottai to some other competent Additional District Court at Thanjavur District.

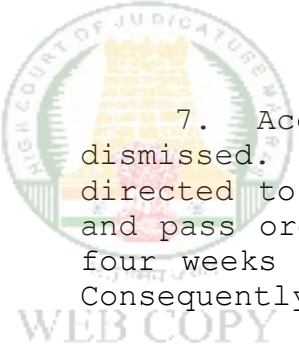
2. The petitioner has filed the present petition, making the allegations against the Presiding Officer. The allegation is that, the Presiding Officer, in the open Court observed that, the CMA filed by the first respondent is liable to be allowed and therefore, the Court auction sale and confirmation are liable to be set aside.

3. The first respondent entered appearance through counsel. But, he did not file any counter.

4. Despite service of notice, the second respondent has not chosen to appear either in person or through counsel.

5. Heard the learned counsel appearing for the parties.

6. The reason given by the petitioner for transfer of CMA is not proper and valid one. Mere observation by the Presiding Officer will not amount to pre-determination of the issue by the Presiding Officer. This is only mere apprehension by the petitioner. Therefore, the Transfer CMP is liable to be dismissed.



7. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. The learned Additional District Judge, Pattukkottai, is directed to give an opportunity to the petitioner to put forth her case and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

The Assistant Registrar(writs)

/True copy/

Sub-Assistant Registrar

To

- 1.The Additional District Judge, Pattukkottai
- 2.The Principal District Judge, Thanjavur

Copy to:-The Section Officer,
Judicial Section,
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.R.Suresh Kumar, Advocate SR.No.29287

trp

Sm:01.07.2015:2P/5C

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